

1 JOINTLY SUBMITTED

2 **IN THE UNITED STATES DISTRICT COURT**

3 **DISTRICT OF NEVADA**

4
5 William Bridge, *on behalf of himself and all* :
6 *others similarly situated,* :

Case No.: 2:14-cv-01512-LDG-NJK

7 Plaintiff,
8 vs.

STIPULATION AND ~~PROPOSED~~
ORDER EXTENDING TIME TO
PROVIDE CLASS CERTIFICATION
EXPERT DISCLOSURES

9 Credit One Financial, a Nevada Corporation :
10 d/b/a Credit One Bank, N.A., :

11 Defendant.

(Second Request)

12 The parties to the above-captioned action respectfully jointly submit the following
13 Stipulation and Proposed Order for the Court's consideration and approval:

14 WHEREAS, on December 30, 2014, the Court entered the Joint Discovery Plan and
15 Scheduling Order (Dkt. No. 24) ("Scheduling Order") establishing, among other things, deadlines
16 for Rule 26(a)(2) expert disclosures pertaining to the class certification phase of litigation;

17 WHEREAS, on February 24, 2015, the Court entered the Stipulation and Order Amending
18 Scheduling Order (Dkt. No. 47) ("Amended Scheduling Order") establishing, among other things, a
19 deadline of June 22, 2015 for opening Rule 26(a)(2) expert disclosures pertaining to the class
20 certification phase of litigation, a deadline of July 24, 2015 for rebuttal Rule 26(a)(2) expert
21 disclosures pertaining to the class certification phase of litigation, a deadline of July 24, 2015 for
22 completion of class certification discovery, and a deadline of August 21, 2015 for filing any class
23 certification motion; WHEREAS, on June 2, 2015, the Court entered an Order Extending Time To
24 Provide Class Certification Expert Disclosures (Dkt. No. 84). The June 2, 2015 Order continued
25 for an additional twenty-one (21) days, to July 13, 2015, the deadline for opening Rule 26(a)(2)
26 expert disclosures pertaining to the class certification phase of litigation, and continued for an
27 additional twenty-one (21) days to August 14, 2015, the deadline for rebuttal Rule 26(a)(2) expert
28 disclosures pertaining to the class certification phase of litigation;

1 WHEREAS, on March 31, 2015, Defendant CREDIT ONE BANK, N.A. (“Defendant”)
2 filed a Motion for Protective Order (Dkt. No. 63) pertaining to Plaintiff WILLIAM BRIDGE’s
3 (“Plaintiff”) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of
4 Premises served on NCO Financial Systems; WHEREAS, on April 24, 2015, Defendant filed a
5 Motion for Order Authorizing Time Warner Cable (“TWC”) to Produce Documents Responsive to
6 Subpoena (Dkt. No. 72).

7 WHEREAS, on June 17, 2015, Plaintiff filed a Motion to Compel (Dkt. Nos. 88 and 89)
8 seeking an Order requiring production by Defendant of documents responsive to Request Nos.
9 1(A)-(N), and Request No. 2 of Plaintiff’s First Set of Documents Requests;

10 WHEREAS, to date, the parties have engaged in the following discovery: (a) the parties
11 have served Initial Disclosures pursuant to Fed. R. Civ. P. 26(a) and Defendant has served five
12 supplemental Initial Disclosures; (b) Plaintiff has served Responses and Objections to Defendant’s
13 First Set of Requests for Production of Documents and Defendant’s First Set of Interrogatories; (c)
14 Plaintiff has produced approximately 250 pages of material in response to Defendant’s First Set of
15 Requests for Production of Documents; (d) Defendant has served Responses and Objections to
16 Plaintiff’s First Set of Requests for Production of Documents; (e) Defendant has produced
17 approximately 889 pages of material in response to Plaintiff’s First Set of Requests for Production
18 of Documents; (f) Plaintiff has served upon Defendant a Second Set of Requests for Production of
19 Documents and a First Set of Interrogatories, responses to which are due June 29, 2015; (g) Plaintiff
20 has deposed Defendant’s Fed. R. Civ. P. 30(b)(6) designee on March 23, 2015, as well as an
21 employee noticed individually on May 20, 2015; (h) Plaintiff served a Fed. R. Civ. P. 45 subpoena
22 on non-party NCO Financial Systems, Inc. (“NCOFS”) on March 12, 2015, in response to which
23 Defendant moved to quash in the Eastern District of Pennsylvania (*Bridge v. Credit One Financial*,
24 C.A. No. 15-mc-125)) on April 28, 2015; (i) Plaintiff and non-party NCOFS are presently
25 negotiating the terms of NCOFS’s production of documents in response to the subpoena, in light of
26 the Eastern District of Pennsylvania’s Order of May 19, 2015 denying Defendant’s motion to
27 quash; (j) Defendant served Notices of Subpoena for Documents and Deposition Testimony to the
28 Custodian of Records for Cellco Partnership dba Verizon Wireless on February 5, 2015, March 3,

1 2015, and May 7, 2015; (k) Plaintiff intends to depose on June 30, 2015 an employee of Defendant
2 (noticed individually); and (l) Defendant intends to depose Plaintiff on July 1, 2015;

3 WHEREAS, the discovery that remains to be completed during class discovery includes:
4 document production by Defendant in response to Plaintiff's Second Set of Requests for Production
5 of Documents, Defendant's responses to Plaintiff's First Set of Interrogatories, and deposition
6 testimony of potential additional employees of Defendant, to the extent permitted by Order of the
7 Court on Defendant's (1) Motion to Stay Action Pursuant to the Primary Jurisdiction Doctrine
8 Pending Outcome of Petitions Currently Before the Federal Communications Commission (Dkt.
9 No. 27), (2) Defendant's Motion for Protective Order (Dkt. No. 63), (3) Plaintiff's Motion to
10 Compel (Dkt. No. 88); (4) document production by TWC to the extent permitted by Order of the
11 Court on Defendant's Motion for Order Authorizing Time Warner Cable to Produce Documents
12 Responsive to Subpoena (Dkt. No. 72); and (5) document production by non-party NCOFS;.

13 WHEREAS, the parties have met and conferred concerning modifications to the Amended
14 Scheduling Order. The parties agree that further amendments to the Amended Scheduling Order
15 are required in light of the progress of discovery to date and the pendency of Defendant's Motion
16 for Protective Order (Dkt. No. 63) and Plaintiff's Motion to Compel (Dkt. No. 88);

17 WHEREAS, the parties have agreed that the Amended Scheduling Order's deadlines for
18 opening and rebuttal Rule 26(a)(2) expert disclosures, for close of class certification discovery and
19 for Plaintiff's motion for class certification should be modified to take account of the progress of
20 discovery.

21 WHEREAS, the parties agree that any extension of the initial Rule 26(a)(2) expert
22 disclosure deadline should in fairness be accompanied with a similar extension of the rebuttal Rule
23 26(a)(2) expert disclosure deadline;

24 WHEREAS, pursuant to section I.3 of the Scheduling Order, the parties filed, on February
25 19, 2015, a Joint Interim Status Report advising the Court of the parties' agreement concerning
26 proposed modifications to the Scheduling Order;

27 NOW, THEREFORE, the parties, by their respective undersigned counsel, and subject to
28 this Court's approval, agree and stipulate as follows:

1 1. The deadline for completion of class certification discovery shall be extended by
2 thirty (30) days to August 24, 2015;

3 2. The deadline for initial Rule 26(a)(2) expert disclosures pertaining to the class
4 certification phase of litigation shall be continued an additional twenty-one (21) days, to August 3,
5 2015;

6 3. The deadline for rebuttal Rule 26(a)(2) expert disclosures pertaining to the class
7 certification phase of litigation shall be continued an additional twenty-one (21) days, to September
8 4, 2015;

9 4. The deadline for filing any class certification motion shall be extended by thirty (30)
10 days to September 21, 2015.

11 DATED: June 22, 2015

12 **IT IS SO STIPULATED:**

13 SHOOK & STONE, CHTD.

GRANT & EISENHOFER P.A.

14 /s/ Leonard H. Stone

/s/ Adam J. Levitt

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23 *Attorneys for Defendant*

24 **IT IS SO ORDERED:**

25
26 
NANCY J. KOPPE

UNITED STATES MAGISTRATE JUDGE

27 DATED: June 23, 2015
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